

“EXHIBIT K”

**EDGAR SOLIS vs STATE OF CALIFORNIA, ET AL.**  
**Greg Meyer on 07/15/2024**

1 UNITED STATES DISTRICT COURT  
2 CENTRAL DISTRICT OF CALIFORNIA

3 ---oOo---

4 EDGAR SOLIS,  
5 Plaintiff, Case No. 5:23-cv-00515-HDV-JPR

6 vs.

7 STATE OF CALIFORNIA; MICHAEL  
8 BELL, and DOES 1-10, inclusive,  
Defendants.

9 \_\_\_\_\_/

10  
11 REMOTE DEPOSITION OF  
12 GREG MEYER  
13 Monday, July 15, 2024

14  
15  
16 Reported by: Susan D. Yip  
CSR #5038  
17 No. 86902

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21  
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24  
25

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1 a case where a subject was shot in the back while running  
2 away?

3 A It's hard to be specific because it's been so  
4 many years. I'd say out of all of them, there is  
5 probably a couple of them. Maybe two. Maybe three.

6 Q Do you know if out of those two or three if any  
7 of them were unarmed?

8 A No, I think I would recall that.

9 Q Is it fair to say that those two or three  
10 individuals shot in the back while running away were  
11 armed?

12 A Yes.

13 Q Did you make a recommendation --

14 A That's my best recall is that they were. I  
15 don't recall any that were not.

16 Q Okay. Thank you.

17 Do you recall if you recommended that any of  
18 those two or three incidents where the person was shot  
19 in the back running away armed were outside of policy  
20 or inappropriate?

21 A No, I think I would recall that specific and  
22 the answer would be no, I would not have found those out  
23 of policy if a suspect is running while armed.

24 Q Is it fair to say that based on your training  
25 and experience, an officer's subjective perception of the

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1 incident could be objectively incorrect?

2 MR. KLEHM: Objection: Incomplete  
3 hypothetical.

4 THE WITNESS: Right. Well, if I understand the  
5 question correctly, yes, sure, the subjective impressions  
6 or perceptions can be incorrect but officers are not held  
7 to what their subjective impressions are, there have to  
8 be facts and circumstances to lead to whether their  
9 perception was reasonable or not.

10 BY MR. SINCICH:

11 Q Okay. And you wrote a report in this case?

12 A I did.

13 Q How much do you charge for the work up of your  
14 report?

15 A 450 dollars per hour, same as for this  
16 deposition.

17 Q What about for trial?

18 A I'm sorry, I didn't hear the word.

19 Q What about for trial testimony?

20 A Trial testimony is a \$3,000 per day flat rate.

21 Q And how many hours approximately did you work  
22 on the report up to the time that you turned it in?

23 A I'd have to look at my notes if I may.

24 Q Yes, please go ahead.

25 A So the question is more complicated than it

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1 might seem. I'll do my best here.

2 I started working on my report, well, that  
3 doesn't help. All right. By the time I worked, I'm  
4 sorry, by the time I turned in my report, signed and sent  
5 it, I had worked on this case for 16.5 hours.

6 Your question was how long did I work on the  
7 report. Probably four or five, six hours of that was  
8 actually the report writing, the rest was review and note  
9 taking regarding the documents I was provided. That's  
10 probably the best I can do with that.

11 Q Thank you. I appreciate the clarity.

12 Does your report contain all of your opinions  
13 in this case?

14 A Yes. So far, unless I get asked something in  
15 this deposition or on the witness stand that's outside  
16 the scope of my report.

17 Q Does your report contain all of the documents  
18 that you reviewed that you considered in rendering your  
19 opinions?

20 A Yes.

21 Q Were there any documents that you reviewed  
22 since turning in your report?

23 A Yes.

24 Q What have you reviewed?

25 A I reviewed the document, it's listed on my

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1 are trained in de-escalation.

2 Q I think you understood the question correctly.  
3 I didn't say policy but specific CHP training outside  
4 of --

5 A You mean outside of POST training?

6 Q Right. So outside of POST, is there any CHP  
7 training to your knowledge regarding de-escalation?

8 A No, not without looking it up. Again, I would  
9 imagine there is but it's not fresh in my mind.

10 Q To your knowledge are officers trained that in  
11 determining the objective reasonableness of their use of  
12 force, there must be facts specific based on the totality  
13 of circumstances that the officer knew at the time of the  
14 force?

15 A Yes.

16 Q And are officers trained that the  
17 reasonableness of a particular use of force is not judged  
18 from the perspective of 20/20 hindsight but instead of  
19 the reasonable officer on scene?

20 A That's basically correct, yes.

21 Q Would you agree that deadly force is the most  
22 significant force an officer can use?

23 A Yes.

24 Q And that deadly force can only be used in  
25 limited circumstances?

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1 MR. KLEHM: Objection: Incomplete  
2 hypothetical.

3 THE WITNESS: Yes. I mean the policies and the  
4 training spell out those circumstances.

5 BY MR. SINCICH:

6 Q Is it fair to say that officers can only use  
7 deadly force if there is an imminent threat of death or  
8 serious bodily injury?

9 A Yes.

10 Q Based on the training, and I believe you  
11 mentioned something to this effect earlier, are officers  
12 trained that their subjective fear alone is insufficient  
13 to use deadly force?

14 MR. KLEHM: Incomplete hypothetical.

15 THE WITNESS: Yes.

16 And I started to say -- now I lost the  
17 question. Could you just re-ask it? I'm sorry.

18 MR. SINCICH: Could you read back please,  
19 Susan?

20 (Record read as follows:

21 Q. "Based on the training, and I  
22 believe you mentioned something to that  
23 effect earlier, are officers trained  
24 that their subjective fear alone is  
25 insufficient to use deadly force? ")

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1 THE WITNESS: Yes. They have to have  
2 objectively reasonable perceptions or beliefs that would  
3 have them believe that there is an imminent threat of  
4 death or serious bodily injury in order for them to use  
5 deadly force.

6 BY MR. SINCICH:

7 Q And a little bit ago, you said that the law  
8 recently actually changed with regard to the use of  
9 deadly force. Do you recall making a statement like  
10 that?

11 A It's not exactly what I said. I said the law  
12 changed with respect to incorporating de-escalation  
13 efforts into the law.

14 Q Were you referring to Penal Code 835-A?

15 A Yes, for when it came in four and a half years  
16 ago it was modified or effective, the effective date was  
17 four and a half years ago for that modification.

18 Q According to 835-A, is it true that fear alone  
19 does not justify the use of deadly force?

20 MR. KLEHM: Objection: Calls for legal  
21 opinion.

22 THE WITNESS: As I say, I don't recall that  
23 language from 835-A but it may be in there.

24 But as a training matter, as a practical  
25 matter, as a policy matter, that statement is correct.



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1 Fear alone does not justify, there has to be objectively  
2 reasonable perceptions and beliefs based on the facts and  
3 circumstances the incident that leads to the deadly force  
4 decision.

5 BY MR. SINCICH:

6 Q Based on your recollection is 835-A quoted in  
7 the POST learning domain?

8 A It is.

9 MR. KLEHM: Objection: Vague as to time.

10 THE WITNESS: Oh, okay.

11 If we can understand unless you tell me  
12 different, we're talking about the current version of  
13 Section 835-A of the California Penal Code which took  
14 effect on January 1, of 2020, then that's the answer,  
15 yes. If I would imagine you would tell me if we're going  
16 to talk about the old version.

17 BY MR. SINCICH:

18 Q Right, the current version or at least the one  
19 that was in effect at the time of this incident, right?

20 A Yes.

21 Q Okay. According to the training, imminent harm  
22 is not merely fear of future harm, no matter how great  
23 the fear and no matter how great the likelihood of the  
24 harm, right?

25 A That language sounds familiar. I'm not looking

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1 at it and I don't have it memorized but it does sound  
2 familiar. And that's part of the definition of  
3 imminence.

4 Q Right.

5 Are officers trained through POST that  
6 uncontrolled fear tends to increase unreasonable force?

7 A Yes.

8 Q Because of that, are officers trained to help  
9 control their fear?

10 A Yes.

11 Q And trained to react in stressful circumstances  
12 according to their training?

13 A Yes.

14 Q Are officers trained that unreasonable fear  
15 could include an over-reaction to a potential threat?

16 A Yes.

17 Q Is it fair to say, and I think this goes to  
18 what you said earlier as well, that deadly force whether  
19 or not it's appropriate, it depends on the facts?

20 A The facts and the totality of the circumstances  
21 that are known to the officer at the time he or she makes  
22 the decision to use deadly force.

23 Q Would you agree in your experience in  
24 evaluating deadly force cases that sometimes the facts  
25 are in dispute?

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1 A Yes.

2 Q Would you agree that in this case the facts are  
3 disputed?

4 MR. KLEHM: Objection: Vague and ambiguous.

5 THE WITNESS: They must be or we wouldn't be  
6 here.

7 That means yes.

8 BY MR. SINCICH:

9 Q Is it fair to say that if the case goes to  
10 trial, the jury is going to determine the facts?

11 MR. KLEHM: Objection: Calls for legal  
12 conclusions.

13 THE WITNESS: The jury is going to determine  
14 the fact, yes, I believe correct but, right, as a legal  
15 conclusion but that's on my experience that seems right.

16 BY MR. SINCICH:

17 Q Based on your experience and understanding if  
18 the case is going to trial, ultimately, the jury will  
19 determine whether or not the use of force was appropriate  
20 for the training and policy?

21 MR. KLEHM: Objection: Calls for legal  
22 conclusion.

23 THE WITNESS: Yes.

24 BY MR. SINCICH:

25 Q Would you agree that if there was no

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1 objectively reasonable perception, that Mr. Solis was in

2 immediate threat of death or serious bodily injury --

3 MR. KLEHM: Incomplete -- I'm sorry, go ahead.

4 MR. SINCICH: -- that deadly force would not

5 conform to contemporary law enforcement training and

6 procedures?

7 MR. KLEHM: Incomplete hypothetical, lacks

8 foundation, calls for speculation.

9 THE WITNESS: I'd say yes with the qualifier

10 that the law and the training often mixes up the words

11 immediate and imminent when they really should be talking

12 about either /or.

13 MR. SINCICH: Okay.

14 Q Do you know if officers are trained in the

15 difference between imminent and immediate?

16 A Well, you see both words in the POST training,

17 you see both words in the law, and since officers are

18 taught the law and they receive their POST training, I

19 would say yes, they are taught both of those words but

20 I'm not sure that they're specifically taught the

21 difference between the two.

22 Q Okay. There is at least some Supreme Court use

23 in the use of force training. Supreme Court opinions

24 quoted in the Supreme Court -- strike that.

25 There is some use of Supreme Court opinion in

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1 the POST training, right?

2 A United States Supreme Court, yes.

3 Q And do you know which term United States  
4 Supreme Court uses?

5 MR. KLEHM: Objection: Incomplete  
6 hypothetical.

7 THE WITNESS: I know they use immediate. I'm  
8 not sure if they have got imminent in any other use of  
9 force decisions without looking.

10 BY MR. SINCICH:

11 Q Do you know if officers are trained that there  
12 might be training, there might be local policy, and there  
13 might be POST, but if the Supreme Court says something,  
14 then that's what you have to follow?

15 MR. KLEHM: Objection: Vague and ambiguous.  
16 Incomplete hypothetical.

17 THE WITNESS: Yes. It's an interesting  
18 question.

19 You know, you see cases all the time where  
20 officers are arguably following their policy and training  
21 or not, and then when you apply an U.S. Supreme Court  
22 decision like Graham versus Connor or any of its  
23 subsequent related cases, can there be a conflict between  
24 what the law says, the case law says and what the policy  
25 and training says.

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1 situations, they're too fast breaking to do that, you  
2 have to end the situation as quickly as you can.

3 BY MR. SINCICH:

4 Q Okay. What would be the importance of creating  
5 distance if you can?

6 MR. KLEHM: Objection: Incomplete  
7 hypothetical.

8 THE WITNESS: Well, creating distance buys you  
9 time and sometimes gives you the opportunity to get other  
10 resources but, again, it's all very fact-specific and  
11 it's different in a stand-off situation than it is for an  
12 immediate breaking situation that needs to be addressed  
13 very quickly.

14 BY MR. SINCICH:

15 Q What do you mean by an immediate breaking  
16 situation?

17 A Something that's happening right now in front  
18 of your eyes that's a deadly threat or could be a deadly  
19 threat to others, you need to resolve that right now.  
20 You don't just sit there and watch the person run away  
21 with a gun in their hand for the purpose of creating  
22 distance. That would be stupid.

23 Q Are officers trained on how to cordon off an  
24 area to prevent a person from escaping?

25 A They are.

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1 MR. KLEHM: Objection: Incomplete

2 hypothetical.

3 BY MR. SINCICH:

4 Q Are officers trained on the concept of cover?

5 A They are.

6 Q To your knowledge are officers trained on the  
7 equation distance plus cover equals time?

8 A Yes.

9 Q And I think there is a follow-up to the  
10 equation that time equals options?

11 A I didn't hear the last word.

12 Q That time equals options?

13 A That's generally true if you have the time,  
14 yes.

15 Q Okay. Do you plan on providing any opinions as  
16 to Mr. Solis's subjective state of mind?

17 MR. KLEHM: Objection: Incomplete  
18 hypothetical. Vague and ambiguous.

19 THE WITNESS: I'm sorry, maybe I don't  
20 understand. I don't really know anything about  
21 Mr. Solis's subjective state of mind. He's running away  
22 with a gun in his hand but I don't know what he's  
23 thinking.

24 MR. SINCICH: Right.

25 Q Is it fair to say that any officer and any

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1 reviewer of this incident would not know what was going  
2 on in Mr. Solis's mind during the incident?

3 A Would not know --

4 MR. KLEHM: Vague and ambiguous.

5 THE WITNESS: Not only would they not know,  
6 they wouldn't care.

7 BY MR. SINCICH:

8 Q It's generally his actions or conduct that's  
9 important, right?

10 A Right. Behavior is everything in these  
11 situations. Not what his psychology is or wherever we're  
12 going with subjective state of mind.

13 Q And you were really good about answering these  
14 questions earlier but just as a matter of a question, do  
15 you plan on giving any opinion related to the law?

16 A Just if it comes up in the context of what I  
17 wrote in my report, mainly the law as it's taught to  
18 police officers, if I'm asked a question in that context,  
19 yes, but as far as interpreting law and providing legal  
20 opinions, no, I don't do that.

21 Q Okay.

22 When you were gathering facts about this  
23 case, did you speak to anybody?

24 A Well, I'm sure I spoke with Mr. Klehm and his  
25 secretary about a number of things. Maybe I don't



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1 in wait?

2 A I don't know.

3 Q What is your understanding of what lying in  
4 wait means then?

5 A It means that in the case like this, during a  
6 foot pursuit, that the suspect finds someplace where they  
7 decide to stop and wait for the officer to approach or  
8 come around a corner or from some other obstacle and  
9 potentially shoot at them.

10 Q Does it necessarily mean that the subject is  
11 going to shoot at the officer?

12 A No, not necessarily, but the implication is  
13 that that's what they're doing and that's why they're  
14 doing it.

15 Q Generally speaking, when a person is lying in  
16 wait, they're hiding, right?

17 MR. KLEHM: Vague and ambiguous. Incomplete  
18 hypothetical.

19 THE WITNESS: I don't know if hiding is the  
20 right word.

21 They're just taking what they think is a  
22 position of advantage for themselves so that they can  
23 attack the approaching officer or maybe it's hiding also,  
24 it could be either, I suppose. But lying in wait implies  
25 they intend to attack the officer.

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1 MR. SINCICH: Okay.

2 Q And we don't know what Mr. Solis's intent was  
3 in this case, right?

4 A I do not.

5 Q If Mr. Solis was, for instance, ducking behind  
6 a gate in this hypothetical, could it be that he was  
7 trying to hide so that he was not detected by the  
8 officer?

9 A It's possible.

10 Q And is it also possible that he was doing that  
11 without any intent to harm anybody?

12 MR. KLEHM: Incomplete hypothetical, lacks  
13 foundation, calls for speculation.

14 THE WITNESS: Sure, that's possible.

15 I think what's important is the officer's  
16 perception, belief, about the situation.

17 BY MR. SINCICH:

18 Q And what's important is whether or not that  
19 officer's perception and belief is reasonable, right?

20 A Correct.

21 Q Based on the objective facts of the case?

22 A Yes.

23 Q You mentioned in your summary that it's unknown  
24 if Officer Bell's rounds struck Mr. Solis. Do you see  
25 that?

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1           A     I'm not sure where it is but I remember writing  
2     it. Let me --

3           Q     **It's the second to the last sentence, sir.**

4           A     Oh. Yes, it was unknown to me at the time of  
5     this report and it's still unknown to me.

6           Q     **You reviewed information related to Deputy**  
7     **Waltermire's shooting, right?**

8           A     A little bit. I wasn't retained to deal with  
9     Waltermire's shooting.

10                   My recollection is that he approached from a  
11     different angle and he fired 11 shots. I wrote that  
12     down, but I didn't spend any time analyzing his  
13     positioning or justification for his shooting or anything  
14     like that.

15           Q     **Did you see the video of Deputy Waltermire's**  
16     **shooting?**

17           A     I don't recall. I could look at my notes.  
18     Would you like me to?

19           Q     **Yes.**

20           A     Would you like me to look at my notes with  
21     respect to that question?

22           Q     **Yes, please, sir.**

23           A     Thank you.

24           Q     **In your report there is three videos listed but**  
25     **they're not titled in a way that I can easily identify**

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1 perceived Mr. Solis as an imminent threat of death or  
2 serious bodily injury, then Officer Bell's deadly force  
3 would conform with contemporary law enforcement training,  
4 right?

5 A Pending procedures and any reasonable officer  
6 could have done the same thing. Yes, you definitely  
7 paraphrased it.

8 Q Okay, and then you finished the remainder?

9 A No, not in total but it's all right. The  
10 opinion is what it is on paper.

11 Q Right.

12 Do you only have two opinions, primary  
13 opinions, in this case?

14 A I'll have to look.

15 MR. KLEHM: Vague and ambiguous.

16 THE WITNESS: I wonder if something is wrong  
17 about my opinion numbering.

18 BY MR. SINCICH:

19 Q I just wanted to make sure that we have it  
20 correct.

21 Do you see that your second opinion is listed  
22 as opinion 3? On page --

23 A Yes, I think I got a typographical error there,  
24 that's what I was just checking. Let me just scroll down  
25 and make sure.

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1 All right. So opinion Number 3 is really  
2 Number 2. And the answer is yes, I have only documented  
3 two opinions in this case. I apologize for the clerical  
4 error.

5 Q No problem. I just wanted to make sure I  
6 wasn't missing anything in understanding.

7 A Got it.

8 Q Based on your training and experience in this  
9 case, would it be appropriate and within the training  
10 policies and procedures to use deadly force on Mr. Solis  
11 if he had a gun in his hand and he was running away while  
12 he was in the backyard?

13 MR. KLEHM: Objection: Incomplete  
14 hypothetical.

15 THE WITNESS: If Officer Bell reasonably  
16 assessed that Mr. Solis was constituting an imminent  
17 threat while running with a gun in his hand, either to  
18 himself or to people potentially downrange, yes,  
19 basically what the opinion is talking about throughout  
20 its many pages.

21 BY MR. SINCICH:

22 Q Okay. And if a person is running away, all the  
23 facts in this case being the same in the backyard,  
24 running away with a gun in their hand and nothing else,  
25 would that constitute a reasonable perception of an

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1 imminent of death or serious bodily injury?

2 MR. KLEHM: Objection: Incomplete

3 hypothetical.

4 THE WITNESS: Yes.

5 MR. KLEHM: Vague.

6 BY MR. SINCICH:

7 Q Whose life is imminently threatened in that  
8 hypothetical by a person running away with a gun in their  
9 hand?

10 MR. KLEHM: Objection: Incomplete  
11 hypothetical, vague and ambiguous.

12 THE WITNESS: First and foremost, Officer Bell  
13 himself, and secondarily as the foot pursuit continues  
14 and as he is approaching a residence, officers coming  
15 from the other side and any residents inside the house if  
16 he managed to get inside the house, take a hostage, hurt  
17 somebody, et cetera.

18 Primarily, at the outset, certainly Officer  
19 Bell from the first time he started chasing him and,  
20 yelling at him, drop the gun or I'll shoot, or whatever  
21 the exact words were.

22 BY MR. SINCICH:

23 Q By running away with a gun in your hand, how  
24 does that constitute an imminent threat with nothing more  
25 to Officer Bell?

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1 A Because --

2 MR. KLEHM: Objection: Sorry, Captain Meyer.

3 Objection: Vague and ambiguous as to the phrase with

4 nothing more. Argumentative.

5 You can answer.

6 THE WITNESS: Because a suspect with a semi --

7 sorry, a suspect with a hand gun in their hand can point

8 the gun and shoot at the officer in a quarter second or

9 less, even while they're running and that's proven by

10 empirical research over and over again, and that's faster

11 than any officer can react to the deadly threat,

12 therefore, it's an imminent deadly threat presented by

13 the suspect that needs to be countered immediately.

14 BY MR. SINCICH:

15 Q Even if the suspect doesn't make any movement

16 that threatens the shooting of an officer?

17 MR. KLEHM: Objection: Argumentative.

18 Incomplete hypothetical.

19 THE WITNESS: Yes. The officer cannot wait for

20 the suspect with the gun in the hand to turn on him or

21 make some kind of another furtive movement that indicates

22 that the suspect might shoot the officer because so far

23 as of this morning, there is 29 dead, murdered by gunfire

24 police officers in this country, most of whom did not

25 have time to react and overcome the threat before getting

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1 shot, and there are thousands of similarly situated  
2 officers in the history of this country whose names are  
3 inscribed on the wall in Washington, D.C.

4 BY MR. SINCICH:

5 Q Do you plan on testifying as to any other use  
6 of force incidents where officers were shot?

7 A If I'm asked about them, I sure will.

8 Q Well, I didn't ask them about this situation  
9 but you brought it up so I'm just wondering if that's  
10 something that you plan on doing at trial.

11 A Well, if that's part of my answer like it just  
12 was in this question because you asked, then I would, or  
13 if defense counsel asked me about what I know about other  
14 officers getting shot, and the chapters and books that  
15 I've written about officers being shot and how it happens  
16 and how to prevent it and all those tactical and life  
17 saving issues, of course I will answer it. But I don't  
18 have some big game plan to do that. I'll answer the  
19 questions that come to me.

20 Q Do you know the statistics on how many times  
21 officers shoot people in this country who are unarmed?

22 A It's --

23 MR. KLEHM: Unarmed, counsel?

24 MR. SINCICH: That was the question, yes.

25 MR. KLEHM: Yes. How is that reasonably



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1 completely incoherently worded and incomplete  
2 hypothetical.

3 You can answer.

4 THE WITNESS: Again, it's dependent on the  
5 totality of the circumstances, the officer's reasonable  
6 perceptions about the threat level of that person  
7 standing there or running with the gun.

8 BY MR. SINCICH:

9 Q So the fact of having the gun alone is not  
10 enough, you have to have something else, right?

11 A You have to have a reasonable belief that there  
12 is an immediate or imminent threat of death or great  
13 bodily harm to yourself or another person in order to  
14 qualify to use deadly force.

15 Q And what facts did Officer Bell testify to that  
16 led him to believe that Mr. Solis was in imminent threat  
17 of death or serious bodily injury prior to his volley of  
18 shots?

19 A Just from memory without looking at the  
20 quotations of the deposition of Officer Bell and my  
21 report, I think he articulated very clearly that he knew  
22 that Mr. Solis was a violent, dangerous person, who now  
23 has a gun in his hand, who's now running away, who is now  
24 refusing to drop the gun and surrender, and all of that  
25 adds up to more than a sufficient imminent or immediate

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1 threat of death or serious bodily injury to Officer Bell  
2 and others.

3 Q Even if Mr. Solis isn't doing anything  
4 threatening with the gun?

5 MR. KLEHM: Objection: Argumentative.

6 THE WITNESS: He is doing something threatening  
7 with the gun. He has it in his hand, he is resisting  
8 arrest, and in a split second, he can launch bullets at  
9 Officer Bell if he chooses to do so. And I also still  
10 wonder where that extra, where that missing bullet is.

11 BY MR. SINCICH:

12 Q Is it fair to say you don't know based on your  
13 review of all the evidence?

14 A Right. I documented in my report that there is  
15 an expended round in Mr. Solis's handgun that's not  
16 accounted for, and I don't know factually if, and it  
17 doesn't sound like Officer Bell knows factually if  
18 officer, I'm sorry, if Mr. Solis fired a round during the  
19 incident or not.

20 But it doesn't really matter for the purposes  
21 of my opinion. It's just something that I noted during  
22 the review process.

23 Q For the purposes of your opinion, do you  
24 believe that Mr. Solis attempted to shoot Officer Bell?

25 A I do not know.

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1 Q Does that matter to your analysis at all?

2 A No.

3 Q For the purposes of your opinions, do you  
4 believe, based on your review of the facts, that  
5 Mr. Solis pointed a gun at Officer Bell?

6 A That's a question of fact that has to do with  
7 Officer Bell's credibility that the jury will have to  
8 decide if Officer Bell in various formats articulated  
9 threat in different ways.

10 And I am going to need that very brief break if  
11 we could. Sorry, I couldn't make it to 15 minutes.

12 (Recess 11:32 to 11:42.)

13 BY MR. SINCICH:

14 Q Captain Meyer, is your methodology in analyzing  
15 these cases essentially to apply the objective  
16 reasonableness standard as it's outlined in POST?

17 A Yeah, I mean when I -- that's two questions.

18 I mean my report, I rely on the objective  
19 reasonable standards Graham versus Connor, POST training,  
20 et cetera, the things that are laid out in my rationale  
21 for opinion Number 1 in this case, but my process for  
22 analyzing a case is look at the documents to provide it  
23 and then apply what I believe are the professional  
24 standards and practices of law enforcement when I am  
25 finally reaching conclusions and opinions.

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1 Q Okay.

2 Regarding the first volley of shots, if

3 Officer Bell could not see whether or not Mr. Solis had

4 a gun in his hand, would it be appropriate to use

5 deadly force against Mr. Solis?

6 MR. KLEHM: Objection: Incomplete

7 hypothetical, lacks foundation, calls for speculation,

8 argumentative.

9 THE WITNESS: If Officer Bell reasonably

10 believed that Mr. Solis had the handgun in his hand,

11 whether he could see it or not, yes, it would be

12 reasonable for him to use deadly force because of the

13 perception reaction response time issue we spoke about

14 earlier.

15 BY MR. SINCICH:

16 Q Right. I wanted to ask you about perception  
17 reaction. You do mention that in your report as well,  
18 right?

19 A I did.

20 Q Do you hold yourself out to be an expert in  
21 perception reaction?

22 A Yes.

23 Q Do you have any formal training in perception  
24 reaction time?

25 A Yes.

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1 Q What's your formal training?

2 A I'm a certified force analyst by the Force  
3 Science Institute. Have been for 14 years, at least I  
4 think.

5 Q Have you ever run any tests on officers'  
6 perception reaction time?

7 A Run like scientific tests like Core Science  
8 does, have I run them? No.

9 Q Is it fair to say that you have simply read  
10 about those tests?

11 MR. KLEHM: Objection: Argumentative. How do  
12 you think most professors -- sorry. Go ahead. You can  
13 answer.

14 THE WITNESS: No, that's not fair to say.

15 I attended a week long training certification  
16 course on the subject out of town some years ago, and I  
17 have attended before that and since that quite a number  
18 of other classes that deal with that subject as well.

19 Have I stood there with a stop watch and a high  
20 speed camera and done those scientific tests myself? No,  
21 I have not. I have watched other people do them and  
22 present on them.

23 BY MR. SINCICH:

24 Q Have you been subject to any of those tests,  
25 for instance, to find out your perception reaction time?

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1           A     That's a good question. Let's see. No, I was  
2     not involved in any of those scientific tests. I kind of  
3     do it myself. It's kind of easy to do.

4           Q     Do you know if Officer Bell has ever been  
5     subject to a perception reaction time test?

6           A     I do not know.

7           Q     What's your perception reaction time if you  
8     know?

9           A     Well, again, I'm sure it's within about the  
10    quarter second of the norm for, well, I'm sorry, I'm  
11    misstating it.

12                I'm talking about how fast somebody can point a  
13    gun from any position and shoot a round.

14                Perception reaction time is situation-dependent  
15    but it's typically about six to eight-tenths of a second.  
16    Some people are a little faster, some people take a  
17    little longer to perceive and begin to react and  
18    ultimately respond to the perceived threat.

19          Q     Is it fair to say that everybody's perception  
20    reaction time is going to be different?

21          A     Right. I mean there is a range of them. Some  
22    people are faster, some people are slower. That's why we  
23    have professional athletes and then the rest of us.

24          Q     Right. So is it fair to say that the person  
25    who's trained for a specific encounter is going to have a

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1 faster time than the untrained individual?

2 MR. KLEHM: Objection: Incomplete

3 hypothetical, argumentative, lacks foundation.

4 THE WITNESS: Yes. As a general proposition, I  
5 would agree with that. Sure.

6 BY MR. SINCICH:

7 Q And you said that there is a time for a person  
8 to be able to use a weapon if a weapon is in their hand,  
9 in this case, in the hypothetical being the subject, do  
10 you recall saying that that's about a quarter of a  
11 second?

12 A Right. There is plenty of research that  
13 verifies that a person can, with a handgun in their hand,  
14 in any position, or if even if it's still in their waist  
15 band, if their hand is on it, ready to pull it, that they  
16 can point it and fire it in a quarter second is kind of  
17 an average time by actual testing.

18 Q Is that testing cited in your report anywhere?

19 A Yes.

20 Q Is it the Lewinsky Hudson report?

21 A I'm sorry, is it what?

22 Q Lewinsky Hudson report?

23 A I think I cited one of their reports. Above  
24 that, I just cited my own training and experience on that  
25 subject, and then I used their peer-reviewed citation.

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1 Q So when you get the quarter of a second time  
2 frame, where are you getting it from?

3 A From my training and my experience. I can do  
4 it. I can do it right now.

5 Q Okay. And so that quarter of a second, were  
6 any of the subjects police officers?

7 A You mean in the testing?

8 MR. KLEHM: Objection: Vague and ambiguous.

9 BY MR. SINCICH:

10 Q Yes, in the testing.

11 A Could you just ask it again? I want to make  
12 sure I'm clear on what you're asking.

13 Q In the testing where you got the quarter of a  
14 second time frame, did they use police officers to run  
15 the test?

16 MR. KLEHM: Objection: Vague and ambiguous.

17 Do you mean the person firing the gun or what?  
18 What part of the test do you mean?

19 BY MR. SINCICH:

20 Q This is a test of how fast the person with a  
21 gun in their hand can fire it. This is what Captain  
22 Meyer has explained.

23 I'm asking, the people who are doing these  
24 tests, the subjects of the test, were they police  
25 officers?



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1           A       Not all of them. Some yes, some no.

2           Q       The ones who were not police officers, what  
3       generally were their demographic, if you know?

4           A       Yes. That's what we call a naive shooter, in  
5       other words, an untrained shooter, and I recall a  
6       particular civilian female who had never touched a  
7       handgun before in her life, and she was able to draw it  
8       and shoot it in less than a quarter second.

9           Q       And the time that people can have a gun, draw  
10      it and shoot it, that time also varies, correct?

11          A       It does.

12          Q       And what is the variance in that time?

13                 MR. KLEHM: Objection: Lacks foundation, calls  
14      for speculation.

15                 THE WITNESS: I don't know without -- sorry.

16                 I don't know without looking up the studies but  
17      you know, when you're dealing with variables that have an  
18      average of a quarter second, then it's a split second  
19      before a quarter second, a split second after a quarter  
20      second would be the intuitive answer but I haven't looked  
21      at the research per se in quite a while. I could look it  
22      up.

23      BY MR. SINCICH:

24          Q       Do you know if in any of the research that  
25      someone got a shot off accurately in a quarter of a

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1 second?

2 MR. KLEHM: Objection: Argumentative. Vague  
3 and ambiguous.

4 THE WITNESS: Well, they shot the target. I  
5 mean that was the whole point so I'm not sure what you're  
6 asking, I guess.

7 BY MR. SINCICH:

8 Q As part of the test, if the shot missed the  
9 target, it wouldn't be counted?

10 A I don't know. And it doesn't matter if it  
11 misses in real life.

12 Q Okay.

13 You also made mention of methamphetamine and  
14 PCP in your report; do you recall that?

15 A Yes. I recall noting that the autopsy or the  
16 toxicology test on Mr. Solis, from memory, the test  
17 revealed the presence of amphetamine, methamphetamine and  
18 PCP.

19 Q If all the facts in this case were exactly the  
20 same, except Mr. Solis was not under the influence of  
21 methamphetamine, amphetamine and PCP, would it change  
22 your opinion at all?

23 A No.

24 Q Based on your review of all the evidence, did  
25 Officer Bell have any specific information about whether

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1 or not Mr. Solis was under the influence of amphetamine,  
2 methamphetamine or PCP?

3 A I don't recall if he had --

4 MR. KLEHM: Objection: Vague and ambiguous.  
5 Lacks foundation.

6 THE WITNESS: I don't recall if he had that  
7 knowledge and I don't recall if he was interviewed or  
8 testified in his deposition about his perceptions of  
9 whether Mr. Solis was under the influence of something.  
10 That's something not in my memory. It would be in the  
11 record.

12 MR. SINCICH: Okay.

13 Q Based on your review of the record, did  
14 Mr. Solis ever attempt to enter a house?

15 A I don't have a recall. No, I don't have a  
16 recall that he had attempted to. I just have that  
17 picture in my mind as he runs to this residence, I think  
18 it was in the back porch area where this terminated, so I  
19 don't know what his intentions were and I don't know if  
20 it's documented any different than that in the record.

21 Q Is it fair to say that at the time of Officer  
22 Bell's use of deadly force, he did not know if there was  
23 any civilians in the area including in the house?

24 A Well, I think that's really two questions. One  
25 is yes, did he know or did he not know if there was

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1           A       It would have been .40 caliber. I don't  
2       remember the brand control expansion rounds. Standard.

3           Q       All right. And do you know why controlled  
4       expansion rounds are used by law enforcement?

5           A       Because if you hit the suspect, there is less,  
6       two reasons, one is they have greater stopping power than  
7       regular round nose rounds and the problem with regular  
8       round nose rounds is they will often go through the  
9       suspect and go downrange, potentially hit someone else so  
10      they're safer in that regard. They are not safer for the  
11      suspect but they are safer for anyone who is downrange.  
12      That's been the case for decades.

13          Q       All right.

14                 And in this particular residential setting  
15      which consisted of mobile homes, would a jacketed round  
16      as opposed to a controlled expansion round have a  
17      better probability of going not just through the  
18      suspect but through the walls of the mobile-home  
19      trailers that were in this neighborhood?

20                 MR. SINCICH: Vague and ambiguous. Outside of  
21      expertise.

22                 THE WITNESS: Yes, and I have seen that happen  
23      during my career and in my expert work, the rounds can  
24      penetrate that way. Controlled expansion rounds are less  
25      likely to penetrate that way.

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1 MR. KLEHM: Okay.

2 Q Thank you, Captain Meyer. I do not have any  
3 further questions.

4 MR. SINCICH: A couple quick follow-ups.

5 FURTHER EXAMINATION BY MR. SINCICH:

6 Q Do you hold yourself out to be a toxicology  
7 expert?

8 A No.

9 Q Is it fair to say that everybody reacts to  
10 being under the influence of either amphetamine,  
11 methamphetamine or PCP differently?

12 A Well, there are some general ways that they act  
13 out based on my own training and experience but, sure, I  
14 mean human beings tend to do everything a little bit  
15 differently, nobody does something identical to you and  
16 me.

17 Q And based on your training and experience, how  
18 a person reacts, generally speaking, depends on how much  
19 the person took of any substance?

20 A You're getting past my expertise there. You  
21 need a pharmacologist or somebody like that to talk about  
22 the physiology of how somebody reacts when they're under  
23 the influence.

24 Q Is it fair to say that you don't know whether  
25 or not Mr. Solis was actually feeling the effects of the

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1 drugs at the time?

2 A I do not.

3 Q Okay. I have no further questions at this  
4 time.

5 It looks like we went two hours and 15  
6 minutes, is that right, from your assessment?

7 A Yes.

8 Q Okay. I'm going to get a check. I got an  
9 email with your W-9 right there so I'll open it up and  
10 make sure it's attached and I'm going to get the check  
11 out to you really soon.

12 Ms. Yip, do you have any spellings or  
13 anything?

14 THE REPORTER: Mr. Klehm, would you like to  
15 order a copy?

16 MR. KLEHM: Yes, ma'am. Thank you.

17 THE REPORTER: And I can ask the spellings off  
18 the record.

19 I have 12:16 going off the record.

20 THE WITNESS: Just mention that the math for my  
21 payment for the deposition looks like 1012.50, it looks  
22 like it to be 1,012.50. Two and a quarter hours times  
23 450 dollars.

24 (Off the record at 12:16 o'clock p.m.)

25

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CERTIFICATE OF WITNESS

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I, CAPTAIN GREG MEYER , hereby declare that I  
have read the foregoing testimony, and the same is true  
and a correct transcription of my said testimony except  
as I have corrected.

Signature

Date